

BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES

Public Hearings

August 21, 2018

The Cherry County Board of Commissioners met in Special Session on August 21, 2018 at 4:30 PM in the Cherry County Courtroom, as per notice in the Valentine Midland News, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 4:30 PM by Chairman Storer. Roll call was taken. Present for the meeting were Cherry County Commissioners Tanya Storer and Martin DeNaeyer; absent from the meeting was Commissioner Jim Van Winkle. Also present for the meeting were County Clerk Tom Elliott, County Clerk-elect Brittny Petersen, County Attorney Eric Scott, and Zoning Administrator Jessica Coyle. The Open Meetings Act Poster was acknowledged by Chairman Storer.

Approximately 75 people were in attendance for this special meeting.

At 4:35 PM, Chairman Storer opened the public hearing to consider the amendment of Zoning regulations of participating property lines (other than right angle corners) to Non-participating in section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Commissioner Storer asked the Planning Commission Board members Al Ericksen and Herb Pabst to offer brief explanations and provide some background information for the recommendations being presented at the day's hearings.

Leroy Semin and David Hutchinson offered verbal testimony favoring the approval of this recommendation.

Marvin Cox offered verbal testimony opposing the approval of this recommendation.

At 4:45 PM, Chairman Storer closed the public hearing.

Commissioner Storer moved to accept the recommendation to amend a portion of the Zoning Regulations changing Property Lines (other than right-angle corners) to Non-participating property lines in the current Cherry County Zoning Regulations in Section 613, pg. 55. The motion was seconded by Commissioner DeNaeyer. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-aye. The motion carried.

At 4:55 PM, Chairman Storer opened the public hearing to consider the amendment of Zoning Regulations Diameter plus applicable building setback to One Mile in Section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Steven Sanford, David Hutchinson, Melanie Coffman, Joseph George, Mike Buechle, and Craig Andresen offered verbal testimony in favor of the recommendation being considered.

Matt Coble, Larry Ridenour, Michael Knapp, and Todd Adamson offered verbal testimony in opposition to the recommendation being considered.

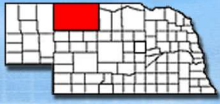
At 5:30 PM, Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved to not accept the recommendation for amendment of Diameter plus applicable building setback to One Mile in Section 613 on pg. 55 of the current Cherry County Zoning Regulations. The motion was seconded by Commissioner Storer. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Storer-naye. The motion failed.

At 5:38 PM, Chairman Storer opened the public hearing to consider the amendment of Zoning Regulations of ½ mile for non-participant to Two-mile for non-participant under the WECS (Wind Energy Conversion Systems) for a Dwelling in Section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Herb Pabst and Al Ericksen offered background information on the recommended amendment noting that the 2 mile setback is regarding infra-sound related health concerns.

Jim Ducey, Melanie Coffman, Susan Berkland, Dave Hutchinson, and Craig Miles offered verbal testimony in favor of the approval of this recommendation being considered.



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Marvin Cox, Matt Miles, Dave Hamilton, Matt Coble, and Larry Ridenour offered verbal testimony in opposition to the approval of this recommendation being considered.

At 6:00 PM, Chairman Storer closed the public hearing.

Commissioner Storer moved to accept the recommended amendment of Zoning Regulations of ½ mile for non-participant to Two-mile for non-participant under the WECS for a Dwelling in Section 613 on pg. 55 of the current Cherry County Zoning Regulations. The motion was seconded by Commissioner DeNaeyer. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-naye. The motion failed.

At 6:08 PM, Chairman Storer opened the public meeting to consider the Amendment of Zoning Regulations Diameter plus applicable building setback to Three Times Total Tower Height in Section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Al Ericksen explained that the setback amendment was at least partially related to ice potentially being thrown from turbine blades.

No verbal public comment was offered on this recommendation.

At 6:13 PM, Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved to reject the recommended amendment of Zoning Regulations Diameter plus applicable building setback to Three Times Total Tower Height in Section 613 on pg. 55 of the current Cherry County Zoning Regulations. The motion was seconded by Commissioner Storer. Roll call vote was taken. Commissioner DeNaeyer-aye. Commissioner Storer-naye. The motion failed.

At 6:15 PM, Commissioner Storer opened the public hearing to consider Amendment of Zoning Regulations of Diameter plus applicable building setbacks to Three Times Total Tower Height for Other Rights-of-Way of Section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Herb Pabst and Al Ericksen stated that private drives, airports, railways, canals etc. were examples of other rights-of-way.

No verbal public comment was offered on this recommendation.

At 6:20 PM, Chairman Storer closed the public hearing.

Commissioner Storer moved to accept the recommended Amendment of Zoning Regulations of Diameter plus applicable building setback to Three Times Total Tower Height for Other Rights-of-Way to Section 613 on pg. 55 of the current Cherry County Zoning Regulations. Commissioner DeNaeyer seconded the motion. Roll call vote was taken. Commissioner Storer-aye. Commissioner DeNaeyer-naye. The motion failed.

At 6:22 PM, Chairman Storer opened the public hearing to consider the recommended Amendment of Zoning Regulations of Diameter plus applicable building setback to One Mile under the WECS for Public Conservation Lands including Wildlife Management Areas and State Recreation Areas in Section 613 on pg. 55 of the current Cherry County Zoning Regulations.

Herb Pabst stated that the Planning Commission's intent was to distinguish between private property and public property setbacks.

Jim Ducey offered verbal testimony in favor of the recommended amendment being considered.

Brad Adamson offered verbal testimony in opposition to the recommended amendment being considered.

At 6:35 PM, Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved to reject the recommended Amendment of Zoning Regulations of Diameter plus applicable building setback to One Mile under the WECS for Public Conservation Lands including Wildlife Management Areas and State Recreation Areas

in Section 613 on pg. 55 of the current Cherry County Zoning Regulations. The motion was seconded by Commissioner Storer. Roll call vote was taken. Commissioner Storer-naye. Commissioner DeNaeyer-aye. The motion failed.

At 6:40 PM, Chairman Storer opened the public hearing to consider the recommended amendment to Zoning Regulations under the Special Safety and Design Standards on No More than 30 hours per Year of Shadow Flicker to be No WECS shall cast a shadow flicker on any public road in Section 613 pg. 56 of the current Cherry County Zoning Regulations.

Matt Miles offered verbal testimony in opposition to the recommended amendment being considered.

Jim Ducey offered verbal testimony in favor of the recommended amendment being considered.

At 6:47 PM, Chairman Storer closed the public hearing.

Commissioner Storer moved to accept the recommended amendment to Zoning Regulations under the Special Safety and Design Standards on No More than 30 hours per Year of Shadow Flicker to be No WECS Shall cast a Shadow Flicker on any Public Road in Section 613 on pg. 56 of the current Cherry County Zoning Regulations. The motion was seconded by Commissioner DeNaeyer. Roll call vote was taken. Commissioner DeNaeyer-naye. Commissioner Storer-aye. The motion failed.

At 6:57 PM, Chairman Storer opened the public hearing to consider the recommend amendment to Zoning Regulations No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans to No Commercial/Utility WECS shall exceed 35 dBA at the nearest non-participating dwelling in Section 613 on pg. 58 of the current Cherry County Zoning Regulations.

Carole Nieman-Lewis, Jim Ducey, Mike Buechle, Lana Peterson, Craig Andresen, and Wanda Simonson offered verbal testimony in favor of the recommended amendment being considered.

Michael Knapp and Kevin Scheer offered verbal testimony in opposition to the recommended amendment being considered.

At 7:17 PM, Chairman Storer closed the public hearing.

Commissioner DeNaeyer moved to not accept the recommended amendment to Zoning Regulations No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans to No Commercial/Utility WECS shall exceed 35 dBA at the nearest non-participating dwelling in Section 613 on pg. 58 of the current Cherry County Zoning Regulations. Commissioner Storer seconded the motion. Roll call vote was taken. Commissioner Storer-naye. Commissioner DeNaeyer-aye. The motion failed.

Chairman Storer stated that she expected the Cherry County Board of Commissioners to give additional consideration to the topics covered at the hearings with the intent to have the Planning Commission further refine the proposed amendments with suggestions from the Board.

At 7:25 PM, Chairman Storer declared the meeting adjourned.